

**Village of Irvington
Zoning Board of Appeals**

Minutes of Meeting held April 22, 2003

A meeting of the Zoning Board of Appeals of the Village of Irvington was held at 8:00 P.M. on Tuesday, April 22, 2003, in the former Village Library, Town Hall, Irvington, N.Y.

The following members of the Board were present:

Louis C. Lustenberger, Chairman
Paul M. Giddins
Robert Bronnes
Bruce Clark
Brian Barrett

Mr. Lustenberger acted as Chairman and Mr. Giddins as Secretary of the meeting.

There was one matter on the agenda:

Case No.

2003-13 William Horowitz – 9 Hudson Road East (Sheet 15, Lot P121C)

The Applicant appeared with his architect Andrew Whitelaw.

The Applicants filed a letter from the Village Administrator confirming that, on DATE, 2003, the Mayor and the Trustees approved the Applicants' request for a waiver

from the Interim Development Law of the Village of Irvington 2003 (building moratorium) so as to permit the within application for a variance to be heard.

In lieu of the verified statement of compliance with the notice provisions of § 224-98(A) of the Irvington Zoning Ordinance (the “Code”), the Applicant filed the applicable proofs of service.

The Applicants sought a variance from the provisions of §§ 224-89 (non-conforming lots) to permit the construction of a swimming pool at the rear of the Applicants’ house.

The Board reviewed drawings submitted by the Applicant and noted that there are already three pools on lots near the Applicant’s lot. In addition, the majority of the lots in the immediate vicinity are non-conforming in that they are less than the square footage required for a 1F 40 District. Additionally, it was noted that the proposed pool meets the set back and coverage requirements for a 1F40 District and will be fenced and screened in accordance with Ordinance requirements.

After weighing the applicable factors, and after taking into account the criteria enumerated in Village Law § 7-712(b), the board concluded that the benefit to the Applicant from granting the variance outweighed any detriment to the health, safety and welfare of the neighborhood or community. The Board also found that granting the variance would not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties, that the benefit sought by Applicant could not feasibly be achieved by any method other than a variance. The Board further concluded that the requested variances would not adversely affect the physical or environmental conditions of the neighborhood or district and that the hardship necessitating the request

for the variances, while self-created, did not for that reason alone outweigh the factors favoring the variances.

There was no opposition to the application.

The Chairman then moved that a vote be taken on the application. The motion was seconded and thereafter the Board voted on the Applicant's request for a variance. The Board voted unanimously to grant the request for a variance.

There being no further business, the meeting was, upon motion duly made and seconded, unanimously adjourned.

/s/ Paul M. Giddins
Paul M. Giddins